

REMARKS/ARGUMENTS

Claims 1 and 20 have been amended so that they require the invention methods to “consist of” the identified actions.

Claims 1-20 are currently pending.

The Office Action rejected claims 1-20 under 35 U.S.C. § 103 as obvious over U.S. patent 5,587,170 (“Caisey”) in view of U.S. patent 3,819,825 (“Goodwin”) and further in view of U.S. patent 2,892,797 (“Alexander”). In view of the following comments, Applicant respectfully requests reconsideration and withdrawal of this rejection.

The claims have been amended to require the invention methods to “consist of” the identified actions. In particular, this means that the claimed methods achieve the desired greasy skin treatment and/or mattifying effect by application of the required ingredients. No further action is required.

Such methods differ starkly from Goodwin’s methods. For example, in contrast to the easy application involved in the invention methods, Goodwin requires formation of a white film on skin, followed by rinsing, to treat greasy skin. (See, col. 2, line 1 et seq.). Such a multi-step process is significantly longer and more cumbersome than the simple application involved in the invention methods and, in fact, teaches away from the claimed methods.

The other applied art cannot compensate for these deficiencies. For example, the other applied art neither teaches nor suggests treating greasy skin or mattifying skin. The Office Action has recognized that Caisey does not disclose a process of treating greasy skin. Similarly, Alexander is silent concerning treating greasy skin. Because none of the other applied art relates to treating greasy skin or mattifying skin, no combination of the applied art would lead to the invention methods.

Further, the Office Action has recognized that Caisey does not disclose a silica/alumina composite filler, or a thickening hydrocolloid. (Office Action at page 4). Also, Goodwin corresponds to FR 2,167,931 discussed at pages 5 and 6 of the present application. As discussed in the present application, Goodwin fails to disclose the required thickening hydrocolloid, so it would not lead one of ordinary skill in the art to believe that stable compositions containing both the required silica/alumina particles and the required hydrocolloid could be prepared. For at least these additional reasons Goodwin and Caisey neither teaches nor suggests the invention methods.

In sum, none of the applied art would have led one of ordinary skill in the art to use the required composites to treat the specified condition (greasy skin). In this regard, Applicant notes that Alexander issued in 1956, over 50 years ago. Yet, no one has ever used Alexander's composites to treat greasy skin. Such use of such composites surely could not have been obvious. It is only through hindsight, using the present application as a guide, that the idea of using the required composites to treat greasy skin can be cobbled together from the applied art.

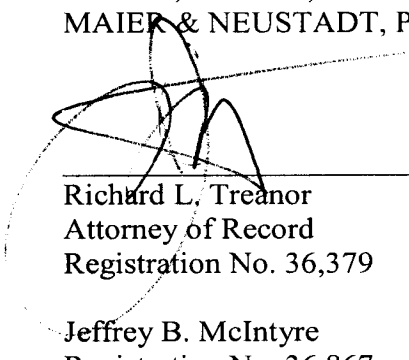
For all of the above reasons, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C § 103.

Application No. 10/698,403
Reply to Office Action dated January 19, 2010

Applicant believes that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Treanor
Attorney of Record
Registration No. 36,379

Jeffrey B. McIntyre
Registration No. 36,867

Customer Number

22850

Tel #: (703) 413-3000
Fax #: (703) 413-2220